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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**KOKI YILMA WILLIS, AKA KOKI
YILMAWILLIS, AKA KOKI YILMA
DAGNE**
3131 Topaz Lane #A
Fullerton, CA 92831

Vocational Nurse License No. VN 207398

Respondent.

Case No. VN-2009-1316

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.
2. On or about December 22, 2003, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 207398 to Koki Yilma Willis, aka Koki Yilmawillis, aka Koki Yilma Dagne (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.

All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

5. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

"Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

"(a) Considering the denial of a license by the board under Section 480; or

"(b) Considering suspension or revocation of a license under Section 490.

"Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

8. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the

1 qualifications, functions, and duties of the licensee in question, the record of conviction of the
2 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
3 and the board may inquire into the circumstances surrounding the commission of the crime in
4 order to fix the degree of discipline or to determine if the conviction is substantially related to the
5 qualifications, functions, and duties of the licensee in question.

6 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
7 'registration.'"

8 9. Section 2878 of the Code states:

9 "The Board may suspend or revoke a license issued under this chapter [the Vocational
10 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

11 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12 ". . .

13 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
14 violating of, or conspiring to violate any provision or term of this chapter.

15 ". . .

16 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
17 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
18 evidence of the conviction.

19 ". . .

20 "(j) The commission of any act involving dishonesty, when that action is related to the
21 duties and functions of the licensee.

22 ". . ."

23 10. Section 2878.5 of the Code states:

24 "In addition to other acts constituting unprofessional conduct within the meaning of this
25 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed
26 under this chapter to do any of the following:

27 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
28 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or

1 administer to another, any controlled substance as defined in Division 10 of the Health and Safety
2 Code, or any dangerous drug as defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,
4 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a
5 manner dangerous or injurious to himself or herself, any other person, or the public, or to the
6 extent that the use impairs his or her ability to conduct with safety to the public the practice
7 authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
9 drug, or the prescription, consumption, or self-administration of any of the substances described
10 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
11 conclusive evidence thereof.

12 ". . .

13 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
14 hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in
15 subdivision (b)."

16 11. Section 2878.6 of the Code states:

17 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
18 charge substantially related to the qualifications, functions and duties of a licensed vocational
19 nurse is deemed to be a conviction within the meaning of this article. The board may order the
20 license suspended or revoked, or may decline to issue a license, when the time for appeal has
21 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
22 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
23 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
24 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
25 accusation, information or indictment."

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REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 2518.6, states:

“(a) A licensed vocational nurse shall safeguard patients'/clients' health and safety by actions that include but are not limited to the following:

“(1) Reporting to the Board acts specified in Sections 2878 and 2878.5 of the Business and Professions Code;

“(2) Documenting patient/client care in accordance with standards of the profession; and

“(3) Performing services in accordance with Section 125.6 of the Business and Professions Code.

“(b) A licensed vocational nurse shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

“(1) Maintaining current knowledge and skills for safe and competent practice;

“(2) Maintaining patient/client confidentiality;

“(3) Maintaining professional boundaries with the patient/client;

“(4) Abstaining from chemical/substance abuse; and

“(5) Cooperating with the Board during investigations as required by Section 2878.1 of the Business and Professions Code.

“(c) A violation of this section constitutes unprofessional conduct for purposes of initiating disciplinary action.”

13. California Code of Regulations, title 16, section 2521, states:

“For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

1 "(a) Procuring a license by fraud, misrepresentation, or mistake.

2 "(b) A conviction of practicing medicine without a license in violation of Chapter 5 of
3 Division 2 of the Business and Professions Code.

4 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
5 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
6 Business and Professions Code.

7 "(d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a
8 licensed physician or not, in the performance of or arranging for a violation of any of the
9 provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

10 "(e) Conviction of a crime involving fiscal dishonesty.

11 "(f) Any crime or act involving the sale, gift, administration, or furnishing of "narcotics or
12 dangerous drugs or dangerous devices" as defined in Section 4022 of the Business and
13 Professions Code."

14 14. California Code of Regulations, title 16, section 2522, states:

15 "When considering a) the denial of a license under Section 480 of the Business and
16 Professions Code, b) the suspension or revocation of a license on the ground that a licensee has
17 been convicted of a crime, or c) a petition for reinstatement of a license under Section 2787.7 of
18 the Business and Professions Code, the Board in evaluating the rehabilitation of an individual and
19 his or her present eligibility for a license, will consider the following criteria:

20 "(1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.

21 "(2) Actual or potential harm to the public.

22 "(3) Actual or potential harm to any patient.

23 "(4) Overall disciplinary record.

24 "(5) Overall criminal actions taken by any federal, state or local agency or court.

25 "(6) Prior warnings on record or prior remediation.

26 "(7) Number and/or variety of current violations.

27 "(8) Mitigation evidence.

1 “(9) In case of a criminal conviction, compliance with terms of sentence and/or court-
2 ordered probation.

3 “(10) Time passed since the act(s) or offense(s) occurred.

4 “(11) If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code
5 section 1203.4.

6 “(12) Cooperation with the Board and other law enforcement or regulatory agencies.

7 “(13) Other rehabilitation evidence.”

8 **COSTS**

9 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(January 29, 2008 Criminal Conviction of DUI on July 29, 2007)**

15 16. Respondent is subject to disciplinary action under sections 490 and 2878, subdivision
16 (f) of the Code in that Respondent was convicted of a crime that is substantially related to the
17 qualifications, functions, and duties of a licensed vocational nurse. The circumstances are as
18 follows:

19 17. On or about January 29, 2008, in a criminal proceeding entitled *People v. Koki*
20 *Yilmawillis, aka Koki Yilma Dagne, aka Koki Yilma Willis, aka, Koi Yilma Dagne*, in Orange
21 County Superior Court, case number 07NM11208, Respondent was convicted on her plea of
22 guilty of violating Vehicle Code section 23152, subdivision (a), driving under the influence, a
23 misdemeanor. Respondent admitted and the court found true an allegation that Respondent had a
24 blood alcohol concentration (BAC) of .15% or more. An additional count of violating Vehicle
25 Code section 23152, subdivision (b), driving with BAC of .08% or more, was dismissed pursuant
26 to a plea agreement.

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1 18. As a result of the conviction, on or about January 29, 2008, Respondent was
2 sentenced to 3 years informal probation and ordered to pay fines and fees and complete a 9 month
3 Level 2 First Offender Alcohol Program.

4 19. The facts that led to the conviction are that on or about July 29, 2007, officers with
5 the Fullerton Police Department were dispatched to a liquor store parking lot for a possible DUI.
6 When the officers arrived, one officer asked Respondent, the driver, to get out of her car and walk
7 to the patrol car. Respondent was "very unsteady" and almost lost her balance several times.
8 Respondent spoke with slowed, slurred speech. The officers smelled a strong odor of alcohol
9 coming from her person. The officers had Respondent perform field sobriety tests, which she
10 failed. The officers then arrested her for DUI.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(July 8, 2011 Criminal Convictions of Forging Prescriptions on October 6, 2009)**

13 20. Respondent is subject to disciplinary action under sections 490 and 2878, subdivision
14 (f) of the Code in that Respondent was convicted of a crime that is substantially related to the
15 qualifications, functions, and duties of a licensed vocational nurse. The circumstances are as
16 follows:

17 21. On or about July 8, 2011, in a criminal proceeding entitled *People v. Koki Willis, aka*
18 *Koki Yilmawillis, aka Koki Yilma Dagne, aka Koki Yilma Willis*, in Orange County Superior
19 Court, case number 11NF0637, Respondent was convicted on her plea of guilty of two counts of
20 violating Health and Safety Code section 11368, forging a prescription, a misdemeanor. Two
21 counts of violating Health and Safety Code section 11173, subdivision (a), obtaining a controlled
22 substance by fraud, a felony, were dismissed pursuant to a plea agreement.

23 22. As a result of the conviction, on or about July 8, 2011, Respondent was sentenced to
24 3 years informal probation and ordered to pay fines and fees.

25 23. The facts that led to the conviction are that on or about October 6, 2009, Respondent
26 was working at Garden Grove Hospital Medical Center in the wound care center. Defendant took
27 blank prescriptions from a podiatrist's desk at the wound care clinic. Using these blank
28 prescriptions, Defendant forged the podiatrist's writing by writing prescriptions for Norco and

1 Fentanyl for herself and presented them to a pharmacy in Fullerton to have them filled. The
2 pharmacy filled the prescription for sixty Norco tablets. The pharmacist told Respondent to come
3 back the next day for the Fentanyl prescription because they did not have it and had to order it.
4 The pharmacist noticed the handwriting for the prescription was too neat and suspected it was not
5 authentic. The pharmacist then called the podiatrist to verify the prescriptions and faxed him
6 copies of the prescriptions Respondent had presented to be filled. The podiatrist said he never
7 wrote these prescriptions. The pharmacist wrote on one of the prescriptions, "Dr. said fake rx,"
8 and, "She is a nurse working for him.[sic] and stealing [sic] Rx pads from the Dr."

9 24. Later, Respondent spoke to an investigator with the Board. Respondent admitted the
10 podiatrist did not prescribe these medications for her and that she wrote the prescriptions herself.
11 She admitted to taking the prescriptions from the podiatrist's desk at the wound care clinic, filling
12 them out for herself, and taking them to the pharmacy to have them filled. Respondent admitted
13 she consumed about ten Norco tablets over a three day period and then threw the rest away when
14 she thought her employer became suspicious. She admitted that she would have used the
15 Fentanyl for her own personal use. Respondent admitted to previously practicing as a licensed
16 vocational nurse under the influence of controlled substances. Respondent admitted that she
17 stopped working at the hospital in June 2010, and for about the last year and a half while she was
18 employed at Garden Grove Hospital Medical Center she diverted narcotics from work by signing
19 out medications prescribed for her patients and taking them instead of giving them to the patients.
20 Respondent admitted to a substance abuse problem in 2009/2010. She admitted she "still has
21 issues" and has had problems with opiate and alcohol addiction.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct-Commission of an Act Involving Dishonesty)**

24 25. Respondent is subject to disciplinary action under section 2878, subdivision (j) of the
25 Code in that Respondent committed an act of dishonesty that is related to the duties and functions
26 of a licensed vocational nurse in that on or about October 6 and 7, 2009, she forged prescriptions
27 for controlled substances and presented them to a pharmacy to have them filled as described in
28 paragraphs 23-24, above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct-Unlawfully Obtaining or Possessing a Controlled Substance or**
3 **Dangerous Drug)**

4 26. Respondent is subject to disciplinary action under section 2878.5, subdivision (a) of
5 the Code in that on or about October 6 and 7, 2009, Respondent unlawfully obtained or possessed
6 the controlled substance Norco and unlawfully attempted to obtain or possess the controlled
7 substance Fentanyl as described in paragraphs 23-24, above.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct-Use of a Controlled Substance or Alcohol in a Dangerous**
10 **Manner)**

11 27. Respondent is subject to disciplinary action under section 2878.5, subdivision (b) of
12 the Code in that Respondent used alcohol, as described in paragraph 19, above, and a controlled
13 substance, as described in paragraphs 23-24, above, in a dangerous manner or to an extent it
14 impaired her ability to practice safely as a licensed vocational nurse.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct-Conviction of a Crime Related to Alcohol or a Controlled**
17 **Substance)**

18 28. Respondent is subject to disciplinary action under section 2878.5, subdivision (c) of
19 the Code in that Respondent was convicted of a criminal offense involving the consumption of
20 alcohol on or about January 29, 2008, as described in paragraphs 17-18, above, and an offense
21 involving the prescription or possession of a controlled substance on or about July 8, 2011, as
22 described in paragraphs 21-22, above.

23 **SEVENTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct-Falsifying an Entry in a Record Pertaining to Dangerous Drugs)**

25 29. Respondent is subject to disciplinary action under section 2878.5, subdivision (e) of
26 the Code in that Respondent falsified entries in a record pertaining to narcotics or dangerous
27 drugs on or about October 6 and 7, 2009, as described in paragraphs 23-24, above.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct-Chemical or Substance Abuse)**

3 30. Respondent is subject to disciplinary action under California Code of Regulations,
4 title 16, section 2518.6, subdivisions (b) and (c) in that Respondent failed to abstain from
5 chemical or substance abuse as described in paragraphs 23-24, above.

6 **DISCIPLINE CONSIDERATIONS**

7 31. To determine the degree of discipline, if any, to be imposed on Respondent,
8 Complainant alleges that on or about April 23, 2003, in a prior criminal proceeding entitled
9 *People v. Koi Yilma Dagne aka Koki Yilma Willis aka Koki Yilma Dagne aka Koki Yilma Willis*, in
10 Orange Superior Court, case number 03NF0677, Respondent pled guilty to violating Health and
11 Safety Code section 11377, subdivision (a), possession of a controlled substance, a misdemeanor,
12 and violating Health and Safety Code section 11550, subdivision (a), under the influence of a
13 controlled substance, a misdemeanor, and was ordered to enroll in a Drug Program
14 pursuant to Penal Code section 1000 and pay fines and fees. Respondent completed the program,
15 the plea was withdrawn, and the case was dismissed. On or about October 27, 2003, the Board
16 mailed Respondent a letter stating that although her vocational nurse licensure application was
17 approved, any future violations of the law may result in disciplinary action against her license.

18 32. Complainant further alleges that on or about November 21, 2008, in a prior criminal
19 proceeding entitled *People v. Koki Yilmawillis*, in Orange County Superior Court, case number
20 08NM12677, Respondent was convicted on her plea of guilty of violating Vehicle Code section
21 14601.2, subdivision (a), driving on a suspended license, a misdemeanor, and was sentenced to 3
22 years informal probation and ordered to pay fines and fees.

23 33. Complainant further alleges that on or about November 21, 2008, in a prior criminal
24 proceeding entitled *People v. Koki Yilma Willis*, in Orange County Superior Court, case number
25 08NM13976, Respondent was convicted on her plea of guilty for violating Vehicle Code section
26 14601.2, subdivision (a), driving on a suspended license, a misdemeanor, and was sentenced to 3
27 years informal probation.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 207398, issued to Koki Yilma Willis, aka Koki Yilmawillis, aka Koki Yilma Dagne;

2. Ordering Koki Yilma Willis to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: August 29, 2011



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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